

REMARKS

1. Applicant thanks the examiner for the office action and hopes that this response will explain the distinction between the now claimed invention and the cited art.
2. Applicant has amended claim 1 as originally filed and added **claims 2 - 19** which are amended from and based on the claims filed with the originating PCT application.
3. It is submitted that the amended claims are fairly based on the specification as filed and do not introduce any new matter not disclosed in the original specification.
4. In order to understand applicant's contribution, a distinction needs to be drawn between two types of moorings – the swing type mooring to which the present invention is directed, and the marina type mooring. Applicant clearly draw this distinction throughout the specifications beginning right from the first page. (e.g. page 1, ll. 12-14). A swing mooring must swing – i.e. be suspended from an anchor and deriving its instantaneous horizontal location and/or attitude in accordance with environmental effects such as currents, winds, and the like.
5. The examiner rejected claim 1 under 35 U.S.C. 103(a) as being unpatentable over Culley in view of Atlas. Applicant respectfully disagrees for the following reasons:
6. In US 5,297,899, Culley teaches a modular environmental mooring system generally of star shaped configuration which accommodates a plurality of boats at circumferentially spaced, radially extending positions with respect to a central dock member. The central dock member is of generally annular configuration which includes a plurality of segments, each having a planar outwardly facing end wall and a pair of planar sidewalls lying in spaced apart angularly disposed planes. The segments are arranged with their sidewalls in a contiguous relationship. The boats float alongside a plurality of elongated finger dock members which extend radially

outwardly from associated end walls of the segments. Each segment and each finger dock member includes a plastic foam core member having planar structural sheet members which coterminously underlie and overlie the plastic foam core and are bonded to the plastic foam core. An elastomeric outer coating encapsulates the plastic foam core member and the structural sheet members which results in maximized strength and structural and environmental integrity with minimum weight. The modular mooring system is tethered at the trailing ends of the modules by anchor chain 108.

That is a different concept from the applicant's invention and is not a swing mooring arrangement. Nor does the disclosure of the citation address the problem overcome by the applicant's invention i.e. to provide an efficient way of mooring two boats abreast on a tethered purpose built pontoon invention so that two boats may now be accommodated in a waterway space which would previously only accommodate one boat.

7. In US 3695207, Atlas relates to the circumstance of mooring where a boat dock or buoy or the like is anchored to the bottom of the harbour and there is an absence of an arrangement for compensating for the rise and fall of the tide or water level. The Atlas patent is directed to relieving the lateral strain on such boat docks, buoys or the like so that the constant rise and fall of the water surface under wave action or tide is accommodated. Atlas is also directed to a mechanism which will assist in prevention of movement or displacement of an anchorage from its intended fixed position by such wave action or tidal movement. The Atlas arrangement, upon the rise and fall of the tide, allows a weight suspended from pulleys by cables to wind and unwind from the pulleys, to compensate for tidal rise and fall thereby avoiding submerging either the dock or buoy as the case may be. Clearly, Atlas is not directed to a swing mooring and in fact diminishes horizontal pull. There is very limited lateral displacement capability in the Atlas pontoon device and it is only responsive to vertical tidal movements. Considering the stationary nature of the Atlas invention in the horizontal plane, it is clear therefore that the Atlas patent is directed to a marina type, as opposed to a swing type mooring.

8. The applicant's invention is a swing mooring, i.e. free floatation pontoon which is anchored using a tether or a harness. As such the present invention responds to wave motion or tide change independently and autonomously.
9. Much of the relevant art is in the category of marina moorings (usually fixed) or the very rudimentary buoy type moorings which accommodate one boat. As far as the applicant is aware, it was not known before the priority date to provide a swing mooring which could accommodate two or more boats in the same swing arc. This allows accommodation of two or more crafts in a circumferential space which previously accommodated one boat.
10. It is clear therefore that neither the Culley nor the Atlas references relate to a SWING MOORING, which is the claimed subject matter of the present invention. As this is a basic concept of the field of the invention, applicant respectfully submits that the Office did not present a swing mooring that teaches or utilizes all the claimed elements. Therefore applicant submits that the rejection is improper.
11. Applicant respectfully requests that the Office will kindly examine the application as amended.
12. Applicant has made a good faith effort to address each and every point made by the Examiner, and amended the claim in order to place the application in condition for allowance. Applicant added claims 2-19 to claim subject matter to which applicant believes he is entitled to. No new matter was introduced. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.
13. In light of the showing and all other reasons stated above, applicant believes that the rejection presented by the Examiner in the office action mailed to applicant April 27,

2006, was overcome. Applicant therefore submits that the claims as amended are in condition for allowance. Reconsideration and withdrawal of the rejection and issue of a notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted

/Shalom Wertsberger/

Shalom Wertsberger

Reg. Num 43,359

30 Fern Lane

South Portland, ME 04106

Phone: (207) 799-9733

Fax: (207) 767-5324

Agent for Applicant